IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Khosravi *et al.*	§	**ART UNIT: 1642**
FILED: March 7, 2002	§	
	§	**EXAMINER:**
SERIAL NO.: 10/092,769	§	**Fetterolf, B. J.**
	§	
FOR: Insulin-like Growth Factor System and Cancer	§	**DOCKET: 28758.65**

Commissioner for Patents
Mail Stop Amendment
P. O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify under 37 CFR 1.8 that the following correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to Commissioner for Patents, Mail Stop Amendment, P. O. Box 1450, Alexandria, VA 22313-1450. Please return the enclosed postcard acknowledging receipt of this correspondence.

Date: November 10, 2004

Holly O. Soehnge, Ph.D., J.D.

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

Responsive to the Restriction requirement mailed August 10, 2004 in the above-referenced application, Applicants hereby elect Group II, claims 25-31, and further elect IGF-I as the growth factor from those listed in Claim 26, IGFBP-3 from those listed in Claim 27, and PSA as the tumor marker from those listed in claim 29, with traverse.

Claims 25-31 in Group II are drawn to a diagnostic method comprising collecting a body fluid from an individual, measuring an insulin-like growth factor binding protein (IGFBP) concentration, measuring a growth factor concentration, measuring a tumor marker concentration, and calculating an indicator ratio based upon the measured concentrations, wherein the indicator ratio provides a means for discriminating between disorders and cancer. Claim 40 in Group VII is drawn to a diagnostic method for discriminating between benign prostate disorders and prostate cancer, comprising collecting a body fluid from an individual,

measuring a PSA concentration, measuring an IGF-I concentration, measuring an IGFBP-3 concentration, and calculating an indicator ratio based upon the measured concentrations, wherein the indicator ratio provides a means for discriminating between benign prostate disorders and prostate cancer. Applicants have elected PSA, IGF-I, and IGFBP-3 as the particular tumor marker, growth factor, and growth factor binding protein in the claims in Group II. Accordingly, Applicants respectfully submit that a search for prior art relevant to claims 25-31 would necessarily reveal any prior art relevant to the subject matter of Claim 40 in Group VII. Such prior art related to a method for discriminating between benign disorders and cancer would necessarily reveal any prior art related to a method for discriminating between benign prostate disorders and prostate cancer, because the method of claims 25-31 cannot be practiced without also practicing the method of claim 40. Therefore, a search of the prior art relevant to the claims of Group II would impose no more of a burden on the Examiner than a search of the prior art relevant to the claims of Group VII. Accordingly, Applicants respectfully submit that such a burden placed on the Examiner would not be undue.

In view of the above arguments, Applicants respectfully request that Group II, claims 25-31, be joined with Group VII, claim 40.

Applicants enclose a petition and the required fee for a two-month extension of time for responding to the Restriction Requirement mailed August 10, 2004.

Respectfully submitted,

Date: November 10, 2004

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